

"The union of lakes—the union of lands --The union of States none can sever-The union of hearts-the union of hands-And the fing of our Union forever."

Knoxville, Tenn., July 4, 1866.

C. S. HUBBARD, No. 24, Broad Street, Boston, Mas to our regularly appointed agent to receive subscription for our paper in the States of Connecticut and Massa-

The WHIG can be had every week at the News Depot of R. H. Singleton, Post Office Building Nashville, Tenn.

#### Roddy, McCann, Kain and Ramsey,

For two weeks past these parties have been or trial in the Circuit Court of Knox county, first of the charge of murder, in the hanging of A. C. Haun on the charge of bridge burning, they having been Haun; and next, on a similar charge, in the case of Harmon and son, all of whom were hung here in December, 1861. The rebel papers of the South have besated of their acquital by a Union jury, and of Gov. Brownlow being rebuked thereby, adding many false charges and reflections in the same connection. A few plain statements of facts, as they are, will set this whole matter right before the people, and show that the rebels have not triumphed over Gov. Brownlow, as they allege, but over Military Governor Johnson! A SECRET CENTRAL COM-MITTEE, having its Chairman and headquarters in Knoxville, raised funds in a private way, and sent Rev. Wm. B. Carter through the lines to procure telief for the Union men in some form or other .-Mr. Carter reported himself at Washington, and through the influence of Senator Johnson, and with the sanction of Mr. Lincoln and Gen. McClellan, obtained \$22,600 with which to burn the Railroad bridges in East Tennessee. He returned to the neighborhood of Kingston, remaining there several days carefully concealed, and arranged for the burning of the bridges. The result was that the jails of East Tonnessee, and the prisons of Mobile, Macon and Tuscaloosa were crowded with innecent Union men, and Hensie and Fry were hung in Greeneville. while the two Harmons and Haun were hung i Rnoxville. The only one of the five hung, at all concerned in bridge burning, was Haun, and he was employed by the Government, through Parson Carter, and the Committee who sent him out; and up to a recent date his family had received no part of the compensation money. Haun was as gallant a Union man as ever lived-stated under the gallows that he aided in burning the Lick Creek bridge, and if it were to do over he would sid again. Brave and heroic to the last, this martyr to the Union cause died like a man, though abandoned by those who em-

For this participation in the hanging of these men the individuals named at the head of this article were indicted in this county, and put upon their trials. They were indicted immediately after Gen Burnside came in, and before the surrender of the rebel armies under Lee, Johnston and others. They were indicted by and under a Judge, and Attorney General, and a Judge commissioned by Gov. John son, and sent here for that and other legitimate purposes. Gov. Brownlow had nothing to do with the bridge burning-nothing to do with these indictments of these defendants, as prosecutor or witness, and he had nothing to do with their trial .-Upon an application to order their release, before trial and conviction, he refused, on the ground that he had no authority to do so, and such an act would be wholly unauthorized. While civil Governor of the State, Andrew Johnson was applied to to exercise similar authority, and he submitted the case to Mr Meigs and other able lawyers, who furnished him with a written opinion, alleging that he had no

Now, for the trials and the Jurors. Including Ramsey, the four prisoners tried under the same indictment, had about one hundred and forty challen ges, which enabled them to select their own jury While we have no reflections to cast upon the ju rors, we distinctly announce that a majority of them are known not to have been Union men, and now to be in sympathy with the prisoners. A leading man upon the first jury has always been an avowed rebel, and has a son indicted in this court for the murder of a Union man, about the same time or at a later period. The following are the

Robt. Wallace, R. W. Lee, H. D. O'Dell, J. W. Cruze, S. A. Caldwell, Granville Frazier, T. J. Walker, Samuel L. Tillery, David Gallaher, P. H. Cardwell, L. C. Shepard and Gardner Julian.

Proof as to most of the prisoners serving on the rebel court-martial, and as to one of them officiating on the scaffold, was made out by the State, and enforced with ability by Attorney General Thornburg. The same fact was given in charge by Judge Swan, with clearness and ability. These are the simple facts in the case, and we leave the reader to bis own reflections, without any effort to influence Union men from other counties in East Tennessee? his opinion, or prejudice his mind. The sole object | We hope not. of this article is to show that Governor Brownlow was in no wise connected with these trials, either as a prosecutor or witness, save that he stubbornly and very justly too, refused to exercise a power he did not have, as every sensible judge and lawyer in the State will concede.

On Tuesday of last week the prisoners were pu upon their trials for the alleged murder of the two Harmons (father and son.) Three panels were exing twelve were received :

Gilbert Zachary, Thomas Boyd, Dennis Dozier J. B. Wright, John Fenton, Joseph Payne, James Leary, G. W. Weaver, James Watt, Ed. Shepberd. A. Gillespie, J. F. Clibourne.

This jury is decidedly Union, say three to one and they all have been Union, if they are not still on that side. Upon this point we are not advised. The State sustained the charges against the prisoners in two cases, and in a third, substantially, as intelligent by-standers and legal gentlemen have declared. The argument was opened before the court and jury by District Attorney Thornburg, who speke for near two hours, presenting the case, together with the law and evidence, in language with system and a style of argument that would have done honor to any old member of the profession. He was followed by three able and experienced advocates-Brown, Netherland and Fleming. Each one speaking from a hour and a-halt to two hours, taking advantage, as lawyers usually do, of everything that would serve their cause. The discussion was closed by Colonel Thornburg in a speech of two hours and a-half, which has won for him, in

last tifteen years. This is strong language, but it is the language of the people. Judge Swan then delivered an able and clear charge, teaching the law, and meeting the defense set up for TREASON and MURDER, with a boldness and clearness that done honor to his head and courage. He told the jury in substance, that it was no defense of the prisoners, to show that they were or dered upon a court-martial by a commanding General: that the Rebellion was a Great Mob, and its parts were mobs, making war upon the Government and citizens of the United States, and trying, by drum-head court-martial, unoffending loyal men, and hanging them. And, be it known to the readers, that Judge Swan was commissioned by Military Governor Johnson, with a view to "punish traiters

Knox county, the reputation of the best prosecuting

Attorney who has appeared at this Bar in the

Under the charge of the Judge, and the proof of these defendants being on the court-martial: even last, but not least, under the able and convincing argument of the Attorney for the State, it was expected that a verdict of "Guilty" would be reaccordingly they were discharged from custody!

and make treason edious.

It is proper to state here, that the zeal of the rebels to have the defendants acquitted, their anxiety get on juries, and to get to testify in their favor,

eyes of loyal men, to the wide-spread conspiracy of rebels in the South, and their purpose to brow-beat the civil authorities, acquit guilty rebels, and con-vict and punish Union men. What the end of this will be, time alone can develop.

A few other remarks, and we close this article, leaving the candid reader to his own reflections .-Two years ago last April, in an East Tennessee Union Convention, held in this city, after listening to an abusive tirade of two hours by Parson Carter, against Mr. Lincoln, Stanton, and the Republican party generally, Gov. Brownlow took the stand in reply; disclosed his leadership in bridge-burning; told all about the \$22,600; charged that he had not paid over the money to the parties, as per agreement; alleged that about half of the amount had not been accounted for by him to the Department at Washington; exhorted him, in the name of humanity and Christianity, to give part of the money to the naked and starving widows and children of the gallant Haun, the innocent Fry, and others who were hanged, and those who were starved in Southern prisons. He publicly declared his ignorance of the arrangement to burn the bridges, and denied any participation in the work, demanding of Carter a public statement as to his innocence or guilt. He publicly acquited him of every connection with the work. He further ask the public to suspend any decision in the case until he could get the docunents from Washington to set himself right. The Gov. agreed to give him time, and pledged himself to publish his defense free of charge. Gov. Johnson, now the President, was present, and authorized the statements he made, and when he closed, came

He has now waited upon Rev. Mr. Carter more than two years, for his defense, and so have the public, and it is not forthcoming. Let us have it! His speeches in Upper East Tennessee, against him personally, and against the State Government, do not meet the case of this large bridge-burning the court. fund, and are not satisfactory to the public mind! As the war is over, and no one is to be hurt, let all secreev be removed. Let us know who were members of the Special Secret Committee, who was its Chairman, and what amount was raised to send Mr. Carter through the lines to arrange for funds to burn the bridges. The public have a right to know these things. And asseveral gentlemen have been active in trying to release these prisoners, and since their acquital, have been elbowing them on the streets, and drinking with them, the Union men, alias the "Radicals," are desirous to know if any of them were members of the Celebrated Committee that sent the devout Parson to Washington, and involved the poor Union men who were executed at Greenville and Knoxville!

### Hard up for a Defence.

B. Frazier, who represents the rebels and copper heads of Knox and Roane, about two or three hundred of whom will have the right to vote under the Franchise Law, labors hard in the rebel organ of this city to show that he did right in voting in the Senate to deprive the loval men of his two counties of any and all compensation for losses they sustained by the army and war. He says that the passage of the bill paying this meritorious class of men would ruin the credit of the State-that it would take one hundred millions to pay them off. It will take him not as well be bankrupted as her honest, patriotic citizens. Let him come before the people at the ballot box in 1867, and they will cure his constitutional scruples. When he ran against Maj. Inman for a seat in the Legislature, he electioneered on the ground that Inman was a Copperhead, and not a true Union man. Inman beat him, and when Judge Rodgers resigned, the people elected him, supposing him to be opposed to rebels and copperheads.

#### Rather Amusing.

the people, and how firm they are, to hear a few leading Copperheads boasting of how unanimous the of hatred to the Union party, full of mortification a half dozen of them meet around a bottle of brandy, and put forth their venom, they fancy that they repnext summer, and run upon the Johnson-Rebel-Conservative-Constitutional-Southern-Peace-Platold slang they are now repeating, in 1860, and their traitors who ingloriously fled from Mill Springs. promises of a peaceable separation! They heard them pledge themselves to crowd all the blood shed into a lady's thimble! The war came, and the result is known. These bad men are shaping their course to bring on another war. The people say they have had war enough.

# See the Reconstructed.

Captain Grisham, who served in the Federal army, and now edits a loyal paper at Jonesborough, the Union Flag, recently went to Bristol to meet his wife returning home from a visit, and as soon as he had taken a room at the hotel he was notified by fifteen of the reconstructed admirers of "My Policy" that he would be allowed two hours to leave in! He fortified himself, and gave notice that the first man that approached him should go upon double quick to some other country. The consequence was that fourteen out of the fifteen backed down, and the re- | buzzards. maining young man did not feel called upon to remove Grisham from the place! Do the rebel population of Bristol propose to play this game with

# A Treasonable Conclave.

A Convention of the States is called for the second Tuesday in August next, to be held in Philadelphis. With a view to take the people in, and practice a fraud upon loyal men, it is called a Union Convention; and to further cheat the people, it professes to meet to serve the representation of the Southern States in Congress, and to defend and prohausted, and the fourth in part, before the follow- tect the Constitution. Let all truly loyal men keep this was to show that they should be humble and out of that meeting. It is a Rebel-Southern-Democratic-Conservative-Constitutional-President-making Concluve, that loyal men, North and South, will keep out of, and stubbornly avoid. Union men don't want the rebel Southern States restored to their former status in the Union, without indemnity for the past and security for the future. Nor do they want Southern Senators and Representatives admitted to seats until they elect men who can take the TEST

Let those who want to aid the cause of the rebels and traitors of the South, and those who wish to aid in the re-organization of the corrupt Democratic party, attend at Philadelphia. That is the meeting for all such men to attend, but let true hearted Union men stay away, as they will be very certain to do!

# Canadian Fierceness.

Montreal Gazette, which sided with the rebels during the war, has now even the audacity and ungratefulness to upbraid the United States Government for what it considers its want of good faith in preserving neutrality. After quoting Wheaton and the New York Tribune to the length of a column or so, it sums up its complaints as follows:

"To epitomise-the counts of the indictment which lie against the government of the United States, in the name of mankind, may be stated as follows: 1st. That they have in their conduct been false to their own statute law; 2d. That they have oven false to their oaths of office, which oblige them faithfully to administer the laws of the United States, 3d. That they have been false to the 'natural law' of mankind as set forth by Wheaton; 4th. That they have been false in their relations to the government of Great Britain; 5th. That they have been false in their relations to the government of Canada; 6th. That they have been false to the Fenians themselves, whom they have duped by their encouragement in spending their money for arms, leading them to commit robbery and murder, and placing their lives in jeopardy; and 7th. That in the aid and encouragement they have given they have been accessories to murder before the act."

# Case of Jeff. Davis.

A wonderful amount of sympathy is manifested for Jeff. Davis, and it is boldly asserted that he ought at once to be released from confinement. How is turned. It is believed by men present when the this? He was arrested as a felon, charged with havjury came in, that the defendants expected it. But | ing suborned assassins to murder President Lincoln. the result was different. After an absence of four For this President Johnson offered and paid a re- Brandon (Miss.) Republican says: bours, they returned with a rerdict of acquital, and | ward of \$100,000 for his arrest, and in his proclamation said that his complicity is established "by evidence now in the Bureau of Military Justice." No need to hunt up the testimony-it is there-has been there all the time. Why not try him? The together with the false reports of their papers and loyal people will begin to suspect a purpose to work

We take the following card of Col. Baxter from the little dirty rebel Commercial, to show the stupid blunders and wilful misrepresentations of that miserable sheet. Not only Col. Baxter, but nearly every witness that testified, complains of the misrepresentations of that paper. Attorney General Thornburg and Judge Swan both complain of being grossly misrepresented. In a word, the accounts given of these trials, like the reports of political meetings and speeches, by the same paper, are essentially false—they are false by suppression, false by denial, and false by misrepresentation.

Card from Col. Baxter.

But to the card of Col. Baxter, correcting the pretended report" of his testimony. If so disposed, every witness on the stand, together with the Judge and States' Attorney, might make similar

MR. EDITOR: In the pretended report of the evidence in the case of the State vs. McCann and prised to see it made in our cotemporary, which can others, which appeared in your issue of yesterday,

the following paragraph appears: Col. Baxter was the next witness called for the State. The evidence obtained from this witness was substantially the same in its points and bearings as in the former trial, and as there have been no new points brought to light, except his testimony in the Now this statement of your reporter is grossly

inaccurate. Seeing this, you have in this morning's paper inserted the following "correction." CORRECTION.—The printer, by the omission of two words, committed a perplexing blunder in the testimony of Col. Baxter for the State, reported yesterday. In the case of Haun, Col. B. testified that terday was written: "To-day he testified his im-

was also made, attributable, however, to the chirography of the reporter. The name L. C. Miller should be L. C. Ledbetter, the one who dissolved

But this article is so unintelligible and unsatisfactory, that I propose to "correct" your reporter's tatement of the evidence in my own way. There was no discrepency in my testimony given on the first and second trial. It was the same on both occasions, and was in the particulars referred to substantially this: That McCann was a member of a Rebel Court-martial which sat in Knoxville, Tennessee, in December, 1861, for the trial of what were termed the "Bridge Burners," before whom six of my clients were tried; that said Court sat for several weeks, during which time McCann was absent on a visit to Nashville; that I was not certain at what time he was so absent, but to the

cisely stated leaving no decent pretext for the blunder which your reporter has made. Please insert this communication in your next number; and if in the future your reporters have not the capacity to report more accurately than they have done in this case, I will esteem it a special favor if they will omit any mention of what I may either do or say.

Such papers as may have copied the objectionable paragraph referred to above, will oblige me by copying this communication also. Respectfully, &c., JNO. BAXTER.

Knoxville, Tenn., June 29th, 1866.

### Hon. Leonidas C. Houk.

a long time to satisfy the people that the State may of treason, have attacked the gentleman whose name of the Knoxville court be correct, which the Disappears above, in a low and villainous manner, such patch affirms and we shall not controvert, it is peras characterize the course of the followers of "My Policy" throughout the country.

known to be false, by all who know him, we will who, as he well knew, had no power in the premibriefly state that there is not the least foundation ses! Fernaps there was a double purpose to be arfor the vile publication which appeared in the there would have been a strong feeling of indigna-Nashville Banner of recent date. His LOYAL de- tion throughout East Tennessee; hence, it was claions at the Circuit Court in Overton county are deemed advisable to impose the task upon Governor the cause of the filthy and slanderous assault upon among Union men for doing an illegal act, while him. Here Judge Houk had the nerve and patri- the President would reap all the credit of it among It is amusing to one who knows the sentiments of otism to refuse permission to the Clerk to advertise the reconstructed. in the disloyal papers of Nashville.

In Overton county, from the Bench, he denounced people are in opposition to radicals. They are full such journals as the Nashville Republican Banner, lease the prisoners, but said that the Knoxville court Union and American, (properly termed "Disunion because the negro has been emancipated; and when & Mexican,") and kindred sheets as TREASONABLE, whose disloyalty should not be encouraged by patronage from his Court. Hence the denunciation of resent the masses. Let them come out for office him by the Jeff. Davis organ of Nashville. One President had power to release them, he was the thing we do know, the PEOPLE of the 17th Judicial Circuit are satisfied with the ability and bearing of form, and they will see where the people are, and Judge Houk, and we write this brief article simply where they themselves are. The people heard the to show the animus of the unrepentant, recusant

# Who has Changed?

The Memphis Argus, a deliciously rebellious sheet, is very loud in praise of President Johnson, and thus eulogizes him in a recent issue:

"The iron firmness, the undismayed soul of a single man, is all that stands between us and the fatal vortex of anarchy and resultant despotism which has engulfed the lives and fortunes of many millions our afflicted follow-citizens. How completely this compounbefore us. Let us rally to the side of that man, de- will do it has been proven by experiment on many of the worst termined to save or perish with the Republic." In 1861, when Andrew Johnson indignantly re-

fused to join in the wicked conspiracy to overthrow the Government and destroy the nation, this same | worm, &c.

"We should like to see Andrew Johnson's lying tongue torn from his foul mouth, and his miserable carcass thrown out to poison mad dogs with, or hung upon a gibbet as high as Haman, to feed the carrion

who edited and controlled it in 1861. In almost every issue of the Argus the loyal men of Tennessee are denounced and the rebellion glorified. Who has changed? We say Andrew Johnson. The Argus is consistent.

# Parable of the Pharisee and Publican.

"And he spake this parable unto certain which trusted in themselves, that they were righteous, and despised others. Two men went up into the temple to pray; the one a Pharisee, and the other a publi-Luke 18: 9, 10. The foregoing parable was spoken to show that our prayers should be earnest and persevering; while penitent, thus rebuking those who are self-righteous

and who consequently are inclined to say to others, Stand by thyself, for I am holier than thou." "The Pharisee stood and prayed thus with himself: God, I thank thee, that I am not as other men are, extortioners, unjust, adulterers, or even as this publican; I fast twice a week, I pay tithes of all Brent

that I possess." Verses 11, 12. This parable illustrates the character of the Southern rebel, whose only evidence of righteousness is in their pockets, in the shape of amnesty papers .-These men now carry their rebel prejudices and dislikes into all the relations of life, even to their graves! In their pulpits they stand and pray : God, we thank thee, that we are not as these Yankees are, mixed up with political principles, and that we are in no wise complicated with political affairs!

# Albert 6. Watkins.

This gentleman has long been known to the peoournals are, now that all the danger is over. The ple of East Tennessee as a prominent politician. having served several years in the Congress of the United States. He was recently licensed to preach in the Methodist Episcopal Church, on the Morristown Circuit. The Southern Methodists desired him to connect himself with them, but he took the view of a sensible man, and very properly declined. He had been to some extent identified with the side of the rebellion; and having taken the oath of amnesty, and resolved to be loyal to the Government of the United States, he concluded that to join a disloyal Church organization would be rather a poor showing of honesty-consequently he attached himself to the old Methodist Church, whose lovalty was never called in question. There is a good deal more in this view of the subject than strikes the mind at the first glance. It is a sensible view.

#### Off with His Head.

Captain Grisham, of Jonesborough, has been turned out of the post office at that place because he dared to believe " My Policy" was wrong, and Congress was right in its course. If men expect to hold Federal offices in Tennessee, they must subscribe to the infalibility of the President, and the superiority of rebels over Union men. Unawed by threats of proscription, there are a few tried men in Tennessee who dare to think what they please, and speak out what they think!

WILL RISK THE CONSEQUENCES .- Franz, of the Douglas Jerrold calls women's arms the serpents

That class of serpents can just wind around our neck as much as they please, and if any of the young ladies believe what Jerrold says, they can come and try the experiment on us. We'll risk the STERLING'S AMBROSIA MANUFACTURING CO.,

From the Nashville Press and Times

The President, Governor Brownlow and the Knoxville Prisoners. In the Dispatch of yesterday occurs the following

editorial paragraph:
"A NOTED TRIAL. "Our special dispatch announces the termination of the trial in the Circuit Court of Knox county, yesterday, of J. R. McCann, J. C. Ramsey, Reuben Roddy and W. C. Kain. The fact is thus judicially established that the State has no power to try an officer or private of the late rebel army for offenses committed in carrying out the orders of his superior. General Grant held the same opinion, and recommended that these gentlemen be released, but our State authorities refused to comply with his sugges-tions. These men, thus acquitted of the crime imputed to them, have been confined in jail, except General Ramsey, about a year. Their friends and

the public will congratulate them upon the triumph of law and justice in their case." The italicised statement does great injustice to "our State authorities." and we are somewhat surhardly have forgotten the very clear and conclusive reply made by Governor Brownlow to the Secretary War, who, doubtless under instructions from the President, urged the release of Messrs. McCann, Kain and Roddy. The Governor then said:

"Tennessee was admitted into the Federal Union

in 1796, and during the seventy years of her existformer trial was that McCann was present and he ence, as a member of the Union, there is not a case testified to-day his impression was that McCann was on record in which her Executive has assumed such not present, we refrain from repeating the testi- power as is contemplated in the release of these prisoners in advance of a trial. Whilst I had no agency whatever in procuring the indictment of these pri oners, and whilst I am ready in defense of the right CLARET AND SICLEY WINE. to shoulder all just responsibilities-I am not wil ling for the indignant curses of the enraged and injured Union men of East Tennessee to be heaped upon me, for the exercise of authority which they know that I am not authorized by law or usage to McCann was present at the trial. The report yes- exercise. The Court in which these men were in dicted was organized by my illustrous predecessor pression that McCann was not present at the trial of the Military Governor of the State, and the Judge Harmon." The testimony for the defense corrects who presided was commissioned by him before the the first misrepresentation; but in that an error commencement of my administration. Each of the defendants was arrested by military order, and sent to Knoxville under military guards, and turned over to the civil authorities. The defendant Kain was arrested in Connecticut, by order of the President,

at the request of the civil authorities. "Whether these men were properly or improper-y turned over to the civil authorities; whether they were only amenable to the military authorities; and whether their acts were justifiable by the laws of war, are all questions which I have no legal or constitutional power to decide. I have an opinion upon all these points, and you may very readily infer what that opinion is. The Judiciary of this State is entirely independent of Executive interference and an official direction from the Executive, to even an inferior Court, to abandon a prosecution, would not and should not be approved by the people.

"I therefore most respectfully decline to give any direction to the judicial authorities at this place, in best of my recollection he was present and particirelation to the three cases to which you call my atpated as a member of said Court when Haun was tention, but leave the whole matter in the hands tried, but not present at the trial of Jacob Harmon; of the Courts, who, I have no doubt, will acquiesce and this testimony was distinctly, clearly and conin any order emanating from the President or the military authorities. It is proper for me to add that the President has pardoned and paroled worse men han these, and turned them loose upon the country."

No respectable lawyer will say that the Governor erty of the defendant: It is therefore ordered by me that the than these, and turned them loose upon the country.' had any authority to comply with the President's suggestions for the release of the prisoners before

rial, made through Secretary Stanton. He had no jurisdiction whatever in the case. The President might as well have "suggested" to him to release a prisoner in Rhode Island, Ohio, or South Carolina, especially as the question of the power of the Governor to release a criminal before trial came up during Andrew Jehnson's first gubernational term, and was decided in the negative by Mr. Meigs and several others of the first lawyers of the Nashville bar. Why should Governor Brownlow be called on by the President to do what he himself refused to do The rebel papers of Nashville, true to the instincts when holding the same office? But if the decision of the Knownille court be correct which the Dir. patch affirms and we shall not controvert, it is per-fectly clear that the President had the power to re-interest from date, payable in United States Treasury notes, lease the Knoxville prisoners long ago. Why did or their equivalent. The lot will be divided in two parts an sold and afterwards sold altogether, and the sale will be con he who had authority to release and pardon seek to | firmed that will bring the most money. As the charges made against Judge Houk are thrust that responsibility upon Governor Brownlow, ses? Perhaps there was a double purpose to be at-Brownlow, who would get all the odium of the deed

> The reader will not have failed to observe that the Governor, in his letter, manifested a kindly spirit, and not only intimated that the President could re "promptly acquiesce" in his order of release. It is perfectly plain that whatever odium, if any, attaches to any one, for the incarceration of the prisoners, must rest upon the head of the President, and not of the Governor in the remotest degree. The do it, and sought to impose the task on one who had only one who had the power, and yet he refused to not the shadow of power to act in the case.

# SPECIAL NOTICES.

# AYER'S SARSAPARILLA

IS a concentrated extract of the choice roo so combined with other substances of still greater alterative power as to afford an effectual antidote for diseases Sarsaparilla is reputed to cure. Such a remedy is surely wanted plaints, and that one which will accomplish their cure must prove, as this has, of immense service, to this large class of cases to be found in the following complaints: Scrofula, Scrofulous Swellings and Sores, Skin Discases

Pimples, Pustules, Blotches, Eruptions, St. Anthony's Fire, Rose or Erysipelas, Tetter or Salt Rheum, Scald Head, Ring-Syphilis or Venezial Discuses is expelled from the system by he prolonged use of this SARSAPARILLA, and the patient is

oft in comparative health. Female Diseases are cause by Scrofula in the blood, and are often soon cured by this EXTRACT OF SARSAPARILLA. Do not discard this invaluable medicine, because you have been imposed upon by something pretending to be Sarsaparilla This filthy sheet is edited by the same vile traitors | while it was not. When you have used Aven's-then, and not till then, will you know the virtues of Sarsaparilla. For min ite particulars of the diseases it cures, we refer you to Ayer'

American Almanac, which the agent below-named will furnish Aven's Carnantic Pills, for the cure of Costiveness Janudice, Dyspepsia, Indigestion Dysentary, Foul Stomach, Hendache, Piles, Rheumatism, Heartburn arising from Disor dered Stomach, Pain, or Morbid Inaction of the Bowels, Flatu lency, Loss of Appetite, Liver Complaint, Dropsy, Worms, out, Neuralgia, and for a Dinner Pill.

They are sugar coated so that the most sensitive can tak hem pleasantly, and they are the best Aperient in the world or all the purposes of a family physic. Prepared by J. C. AYER & CO., Lowell, Mass., and sold b bruggists and Dealers everywhere, in Knoxville, at wholesal and retail by E. J. SANFORD & CO.

TAKE NO MORE UNPLEASANT AND UNSAFE REMEDIES for un-pleasant and dangerous diseases. Use Helmbold's Extract Buchu and Improved Rose Wash.

and debilitated should immediately use HELMBOLD'S EXTRAC

MANHOOD AND YOUTHFUL VIGOR are regained by Helmbold'

SHAFFERED CONSTITUTIONS RESTORED by HELMBOLD'S EX

#### ERRORS OF YOUTH. A Gentleman who suffered for years from Nervous Debility

Premature Decay, and all the effects of youthful indiscretion will for the sake of suffering humanity, send free to all who need it, the recipe and directions for making the simple reme dy by which he was cured. Sufferers wishing to profit by the No. 13 Chambers Street, New York.

#### COLGATE'S HONEY SOAP. This celebrated toilet Soap, in such universal demand

made from the choicest materials, is mild and omollient in its nature, fragrantly scented, and extremely beneficial in its action upon the skin .-For sale by all Druggists and Fancy Goods Dealers. feb21-1y A Crown of Glory.

Sterling's Ambrosia

Every man, woman child who has used

willing to recommend it. Three years of rapidly in creasing sale have made the Ambrosia famous all over IT IS WARRANTED TO PLEASE.

#### It cures Itching of the Head. It Makes New Hair Grow on Bald Heads. It Prevents the Hair from Falling Out. It Renders the Hair Soft and Glossy. Cleases the Scalp. Cools the Heated Brow. Removes

Dandruff. Cures Nervous Headache. Cures Baldness. Insures Luxuriant Locks. Inclines Hair to Curl. Supersedes Wigs. Kills Hair Eaters. Good effect apparant at once. TO THE LADIES WE SAY,

two large bottles: No.2 for morning-No. 1 for evening. THERE IS NO MISTAKE ABOUT IT. that wind around men's necks, killing the best reso- STERLING'S AMBROSIA is the best, most agreeable and effective toilet article in the world. To prove this

Actresses. Sold in splendid boxes or cartons, containing

215 Fulton Street, New York.

IMPORTANT TO LADIES.

Mrs. Winslow's Mystic Pills are prepared only for a legiti-Do not trifle with your health, and use cheap and dangerous edicines, which Druggists have bought and will reco MRS. WINSLOW'S MYSTIC PILLS roct all irregularities and painful menstruation; invigos the debilitated, and restore former bloom to the pallic

No madam, wife, or mother should be without them.

Try them—use according to directions, and be convince that they are the Lady's Friend.

Price \$2 per box, or three boxes for three boxes for \$5.

For sale by all druggists in this city.

june6 lm

MARRIED. At the residence of the bride's father, June 17th, 1866, by Rev. J. C. Barb, Mr. WESLEY MILLER, to Miss

MARY A. MINGE, all of Knox county, Tennessee. NEW ADVERTISEMENTS. SEMI-ANNUAL DIVIDEND.

FIRST NATIONAL BANK, KNOXVILLE, July 3, 1866. ON THE 26th ULTIMO, THE DIRECTORS of this Bank declared a dividend of 5 per cent., R. M. McCLUNG, Cashier.

COGNAC BRANDY.

FOR MEDICINAL USE,

Rhine, Port.

Of our own importations. WARRANTED PURE

LONDON PORTER.

SCOTCH ALE.

CONGRESS WATER, &C E. J. SANFORD & Co NOTICE OF INSOLVENCY.

LL PERSONS HAVING CLAIMS A against the estate of A. S. Taylor, deceased, late a citizen of Blount county, Tenn., are hereby notified to present them properly authenticated, on or before the 30th day of September, 1866, or the same will be forever barred, both in law and rency of said estate having been suggested. SAMUEL C. FLANAGAN, Adm'r.

Attachment. Wm. P. Cardwell & Co., vs. G. S. White, having obtained an original attachment against the estate of the defendant made returnable before P. H. Skaggs, a Justice said defendant appear before me at my office, in the 18th Dis-trict of Knox county, Tenn., on the 20th day of October next, to defend his suit, or it will be proceeded with ex parte.

resive weeks in Brownlow's Whig.

july4-4t°
P. H. SKAGGS, J. P. THE TRUSTEES OF THE EAST TENNESSEE UNI-VERSITY wish to put good plank fences around the buil-dings on College Hill. Bids for the work should be sent in as soon as possible to D. A. DEADERICK,

It is further ordered that this notice be published for four suc-

SALE OF BANKING HOUSE AND LOT. next, the Banking house and lot belonging to the Bank

Trustee of the Bank of Tennessee Designated Depository and Financial Agent of the United States. QUARTERLY REPORT OF THE FIRST NATIONAL BANK OF KAO

LIABILITIES. Capital Stock paid in Individual Deposits Surplus..... Profit and Loss RESOURCES. Notes Discounted 

ue from other National Banks. United States Bonds and Securities .... 158,708 99 STATE OF TENNESSEE, ) 1, R. M. McCleno, Cashier of

#### R. M. McCLUNG, Cashie Sworn to and subscribed before me, this the 2d day of Ju See. july4-1t M. M. MILLER, Notary Public

TENNESSEE COLONIAL Immigration Company, Incorporated by an Act of the General Assembly of the State of Tennessee, Passed May 24, 1866. Authorized Capitel, \$1,000,000.

20,000 Shares of \$50 Each. ORGANIZATION. One thousand shares of Stock having been subscribed, the Company proceeded to organize by the election of the following Board of Directors: Maj. Gen. GEO. H. THOMAS.

SAMUEL WATSON, MICHAEL BURNS, J. W. PARAMORE, AD. M. HEFLEBOWER. OFFICERS EXECTED BY THE BOARD Maj. Gen. GEO. H. THOMAS, President. " B. W. JOHNSON, Vice President FELIX R. CHEATHAM, Secretary.

OSEPH SAUDEK, General Im. Agen THE LEADING OBJECTS OF THE Company are to encourage immigration to our State, as to supply the demand for every description of labor. rchasing of lands, where suitable water power or other a antages may be had for manufacturing purposes; and a chasing lands in large tracts, near cities, rivers and is. These lands will be divided into suitable lots of

tracts, and alternate tracts sold to the immigrant at or ne cost, the purchaser paying one-forth cash and the remaind in one, two and three years. The Company will also act as agent for large landholde she desire to have their lands colonized.

The Company proposes to supply the demand for labor furnishing Mechanics, Gardners, and all description of laborers. They will secure this labor by being able to guarante employment at remunerative prices in the most healthy an genial climate in the world, and they expect to satisfy the employer by guaranteeing the delivering of the laborers to him at any shiping point or railroad station. Our system for furnishing all kinds of labor to all parts of the State we ex-

The profits of the Company will be derived from the ultimat sale of the alternate tracts of land retained, and from the building up of villages and towns in places adapted to the purpose, and from the adding of manufactories and the gene ral development of the agricultural and mineral resources of the State, and also from the direct fees derived from the supply The basis of our stock being the lands of the Company, an

the same ratio, and thereby be a safe and profitable investmen o the stockholder. The principal office will be in Nashville, Tennessee, and the Company design to establish sub-agencies in every county if the State. Subscription books are in the hands of Auson Nel son, Treasurer; Felix R. Cheatham, Secretary; and Jos. Sau dek, General Immigration Agent, who are authorized to receive subscriptions for the stock of the Company, GEO, H. THOMAS,

FELIX R. CHEATHAM, Sec'y. CHANCERY COURT-DANDRIDGE SALE OF VALUABLE LANDS, MILLS, MC.

C. B. Nance, et al. vs. Patton Howell, et al IN OBEDIENCE TO A DECREE PRO NOUCED at the December Term, 1865, of said court, in the various causes against Patton Howell, and revived at the June Term, 1866, thereof, I will proceed to sell at the court house door in Dandridge, on Saturday, the 18th day of August next, all the right, title, claim and interest of said respondent Howell, 240 Acres of valuable land, situated in the 9th District of Jefferson county, on Mossy Creek, adjoining the lands of W. D. & S. N. Fain, Moses L. Peck and others. There is of W. D. & S. N. Fain, Moses L. Peck and others. There is on said premises a Grist and Saw Mill, a fine brick Black-smith Shop, a good Dwelling and various other houses, suita-ble for mechanics, and one of the best sites for manufac-turing in East Tennessee.

Said Lands will be sold on a credit of one, two, and three years, with interest from date, and in bar of the equity of re-demption, bonds with approved security will be required the purchaser, and a lien retained for further sec WM. GALBRAITH, C. & M.

John B, Branner vs. N. Y. Zinc Company, et al. IN OBEDIENCE TO A DECREE PRO-NOUNCED at the June Term, 1865, of said court, 'in said cause, I will proceed to sell to the highest bidder, at the cour-house door in Dandridge, on Monday, the 13th day of August next, on a credit of six months, and in bar of the right of right, and in the interest of said defendants, in a lease finding purposes, on about four bundred Acres of land, it the 9th Civil District of Jefferson county, adjoining the lane of John R. Branner, Henry A. Mendenhall and others. Not with approved security will be required of the purchaser.

July 4, 1866. 4t WM. GALBRAITH, C. & M.

CHANCERY SALE OF LAND.

#### CHANCERY COURT-TAZEWELL. H. Smith and another, Administrators, &c., vs. W. Braden and others.

IN THIS CAUSE IT APPEARING that the defendant, B. F. Kincaid, is a non-resident of the State of Tennessee, as shown in the bill: It is ordered that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear before the Chancery Court at Tazewell, on the 2d Monday of October next, then and there to defend said bill, or the same will be taken as a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty a nature as not to deserve a greater punishment than forty and the subject to such general laws as are or may be passed for the government of railroad companies in this State.

Sec. 7. Be it further exacted in the same is hereby appropriated, in six per cent, bonds of the State of Tennessee, cast of the state of the state of the state.

Sec. 7. Be it further exacted in the same is hereby appropriated, in six per cent, bonds of the State of Tennessee, cast of the state of the sta the Ambrosia will suit you to a.T. Elegantly put up. Delicately Perfumed. Patronized by Opera Singers and

CIRCUIT COURT-RUTLEDGE

cond Judicial Circuit, Grainger county, Tennessee. Henry Kitts vs. L. I. Jennings. T APPEARING FROM THE AFFI-DAVIT of the plaintiff in this cause that the defendant so absconds or conceals himself that the ordinary process of law cannot be served upon him: It is ordered by the court that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next Term of Circuit Court at Rutledge, on the 4th Monday of August, 1866, to plead, answer, or demur to the demand of the plaintiff, or the same will be taken for confessed and the cause proceeded with experts. THOMAS LATHIM, Clerk.

David Branson vs. Stephen Atkins. IT APPEARING FROM THE AFFI-DAVIT of the plaintiff in this cause that the defendant so absconds or conceals himself that the ordinary process of law cannot be served upon him: It is ordered by the court that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next Term of the Circuit Court at Rutledge, on the 4th Monday of August, 1866, to plead, answer, or demur to the demand of the plaintiff, or the same will be taken for confessed and cause proceeded July 4, 1866. pf5 THOMAS LATHIM, Clerk.

John C. Baker vs. Archibald Hipshire. IT APPEARING FROM THE AFFI-DAVIT of the plaintiff in this cause that the defendant so abconds or conceals himself that the ordinary process of law annot be served upon him: It is ordered by the court that ublication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next Term of the Circuit Court at Rutledge, on the 4th Monday of August, 1800, to plead, answer, or demur to the demand of the plain-tiff, or the same will be taken for confessed and the cause pro-THOMAS LATHIM, Clerk.

Robert Allen vs. Maria Allen. IT APPEARING FROM THE ALLE-GATIONS in the petition filed in this cause, which is sworn to that the defendant has absconded and gone beyond the to that the defendant has absconded and gone beyond the limits of the State of Tennessee, or conceals herself so that the ordinary process of law cannot be served upon her: It is ordered that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next Term of the circuit Court as Rutledge, on the 4th Monday of August, 1866, to plead, answer, or demur to the petition, or the same will be taken for confessed and set for hearing exparts. ng ex parte. July 4, 1866. pf5 THOMAS LATHIM, Clerk.

John Nelson vs. Joseph Johnson. IT APPEARING FROM THE AFFI-DAVIT of the plaintiff in this cause that the defendant is ou-resident of this State or so conceals himself that the or inary process of law cannot be served upon him: It is or ered that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next Term of the Circuit Court at Butledge on the 4th Mon day of August, 1868, to plead, answer or demur to the demand of the plaintiff, or the same will be taken for confessed and the cause proceeded with ex parte.

July 4, 1866. pf5 THOMAS LATHIM, Clerk.

George W. Vittatoe vs. Joseph Johnson. IT APPEARING FROM THE AFFI-DAVIT of the plaintiff in this cause that the defendant so DAVIT of the plaintiff in this cause that the defendant so absconds or conceals himself that the ordinary process of law cannot be served upon him: It is ordered by the court that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the next Term of the Circuit Court at Rutledge, on the 4th Monday of August, 1866, to plead, answer, or demur to the demand of the plaintiff or the same will be taken for confessed and the cause proposed with ay nate. July 4, 1866. pf5 THOMAS LATHIM, Clerk.

Banjamin Branson vs. James E. Carter, et als. THE PLAINTIFF, ON AFFIDAVIT, IT APPEARING FROM THE AFFI says the defendant is indebted to him and so abscond that be ordinary process of law cannot be served upon him and James E. Carter, Fish Miller, — Lewis and Lafayette Jennings, so abscond or conceal themselves that the ordinar process of the law cannot be served upon them: It is ordere by the court that publication be made for four successive weeks in Brownlow's Whig, notifying said defendants to apweeks in Brownlow's Whig, notifying said uninneance pear at the next Term of the Circuit Court at Rutledge, or pear at the next Term of the Circuit Court at Rutledge, or demuhe 4th Monday of August, 1866, to plead, answer, or demur-to the demand of the plaintiff or the same will be taken for nfessed and cause proceeded with ex parte.

July 4, 1866. pf5 THOMAS LATHIM, Clerk.

M. Goldman vs. James E. Carter, et als. IT APPEARING FROM THE AFFI-DAVIT of the plaintiff in this cause that the defendants, James E. Carter, Fish Miller, \_\_\_\_\_ Lewis and Lafayetts Jennings, so abscond or conceal themselves that the ordinary ocess of law cannot be served upon them : It is ordered b he court that publication be made for four successive weeks in brownlow's Whig, notifying said defendants to appear at the ext Term of the Circuit Court at Rutledge, on the 4th Mon-iay of August, 1866, to plead answer of demurto the demand of the plaintiff, or the same will be taken for confessed and he cause proceeded with ex parte.

July 1, 1866. htpf5 THOMAS LATHIM, clerk.

Decision of the Supreme Court. JUDGES-SAM MILLIGAN, JAMES C. SHACKELFORD, AND ALVIN HAWKINS.

THOMAS H. CALDWELL, Attorney General and Re-CHARLES BROTHERS, in error, ve. THE STATE, This is an indictment in the Circuit Court of Rutherford unity against Charles Brothers, a free man of color, as laid the indictment, for horse stealing. The jury found a ver-t of guilty, and fixed the term of the prisoner's confine ent in the penitentiary for three years. There was a mo tion for a new trial, which was overruled by the court, and addment pronounced according to the finding of the jury, from which an appeal in error was prosecuted to this court. The proof shows that the alleged offence was committed i April, 1864, and that the prisoner was at the time the slave of Mrs. Brothers, but that he some time previous to the commis-sion of the alleged offence, and at the time, had been acting as free man, and occasionally working for his mistress under

mode of punishment recognized by our laws, the jury, if they saw proper, could fix the punishment of the defendant by connement in the penitentiary for any period, provided it be not than one year, or such other punishment as they might see

ted here that the Circuit Court had no jurisdiction to try he offence charged in the inductment when committed by a lave; and further, if the court had jurisdiction, it could not a such a case, punish by confinement in the penitentiary. The first question that presents itself for our determinawhether or not the prisoner was by law a free man o or at the time it is alleged this offence was committed, so as so proceeded against as such in this prosecution. Much ght be said in relation to the status of the slaves in this ate, in consequence of the military operations of the United ates, but we do not deem it necessary or pertinent in the deination of this case to enter into that wide and uncertain Id of discussion. It is enough for all the practical purposes this case that the people of the State felt it necessary for-ally to abolish the legal existence of slavery in Tennessee by ses, the time at which the amendments to the constitution ere ratified, slavery had little or no practical existence in the ate, but its legal existence was such as, at least for many arpases, to compel the courts to recognize it as a subsisting stitution. It still existed, so to speak, in a quasi legal form; nd the question now presented, was that such a feeble state of servitude as would subject the prisoner to criminal presention as a free man of color? We think not. The case of ames vs. the State, 9, Hump., 308, which was in conformity uniform ruling of this court, is decisive of this que an of color for selling spirituous liquors; and the proof nowed that his master, about a year before, had told him he night go and be free, and from that time he had been acting is a free man. Judge Green, in delivering the opinion of the ourt, said: "The only question here is, whether upon this roof the plaintiff in error is indictable for a misdemeanor as free man. And we think he is not. It is true, as His Hor n as to make him a slave. And if the master refuse to aply to the County Court for his emancipation, any other per on might petition in his behalf, but until this is done, and h

emancipated according to the forms of the laws, he does no

emeafreemen."
And again the learned Judge, in the same opini In view of the law, the negro is not a free man until the tie, through the proper tribunal, consents to his freedom Waiving for the present any effect the late war produced. e legal existence of slavery in Tennessee, it can be of no imortance whether the assent of the State to the emancipation a slave be given through the legally constituted tribunals the country, or by the people at the ballot-box, or whether begiven for the emancipation of one or the whole. The cinciple is the same. And in this view of the case, concluse, as we think, of the question now under consideration.

The question being determined that the prisoner in legal tion was a slave, had the Circuit Court jurisdiction

Prior to the adoption of the code, it is well setd that the Circuit Court had no original jurisdiction of of the case of Ann vs. the State, I Hump., 154, the court says clude a charge for manslaughter, because by the act of 1819, 35, sec. I, murder committed by a slawe is declared to be pital; and by the act of 1835, ch. 19, sec. 3, exclusive origiunnitted by slaves which are punishable with death, and as slaughter is not so punishable, the Circuit Court has n jurisdiction of the court to take cognizance of manter. But in the case of Bennett vs. the State, I Swan i, the prosecution was for larceny against one who, on the ial, proved to be a negro of "black complexion," and withy other proof of servitude, except the legal presumption use from his color, the court held that there was an utr want of inrisdiction in the Circuit Court to try the cause. ous statutes, most of which have been substantially carried to the code. By the act of 1741, ch. 24, sec. 48, (1 Scott Rev., 75.) any crime committed by a slave was to be tried before nces were to be tried before one Justice, and punished not acceding forty lashes. But if the Justice was of opinion at the offender deserved greater punishment, he was to com-

gruther's com...) the 48th section of the act of 1741 is realod ; and it is provided that offences committed by slaves all be tried before three Justices and nine freeholders and solders, and if found guilty they shall pass such judgor offence shall require.

By the act of 1819, ch. 35, sec. 1, murder, arson, burglary rape and robbery were declared capital, and punished with ath ; and all other offences are to be punished as heretofore ovided punishment, in no case, shall extend to life or limb, except in the cases above mentioned. Thus the law, with reference to this peculiar class of offenses, seems to have stood prior to the adoption of the code. See velson vs. the State, 531, 532. The code has made but few material changes. The old statutes are collated, remodeled, and with some addition and enlargement carried into the code.—
The domestic tribunal of three Justices and nine freeholders and slaveholders is altogether dispensed with, and the jurisdiction conferred upon the Circuit and Criminal Courts, and a ingle magistrate. By section 2,629, it is provided that "the ircuit and Criminal Courts shall have exclusive jurisdiction all capital offences committed by slaves." And by section 630, it is declared that "all other offences committed by aves may be tried by a single Justice of the Peace. aves may be tried by a single of the very indictment against a section 2,631 declares that "every indictment against a ave for murder, shall be held to include a charge of manrisdiction in the trial of slaves charged with manshaughter.

This section contains the only clause to be found in the slave code which extends the original jurisdiction of the Circuit Court in cases of crimes committed by slaves, and it must be construed as an exception to the two preceding sections.

Before the adoption of the code, the Circuit Court, as was held in the cases of Neison vs. the State, and Ann vs. the State, had no jurisdiction of manshaughter when committed by a slave, even when the charge in the indictment was for murder and mitigated by the evidence to manshaughter. To meet this omission in the former statutes, and to enable the Circuit Court, after it had lawful jurisdiction of a cause under the tharge of a capital offence, to punish the accused for the less dense, without first refering the case to an amount not excessing ten of endough the accommon se all, and by its corporate name and style shall have power to transact all its business in its corporate name, build or br dge from the circuit of Chattanooga, by way of Harrison, country of Ramilton, State of Tennessee, running in a nor shorly direction, by the most practicable route, through the State of Tennessee to the Kentucky line, purchase and style shall have power to transact all its business in its corporate name, build or br dge from the circuit of Chattanooga, by way of Harrison, country of Ramilton, State of Tennessee, running in a nor shorly direction, by the most practicable route, through the state or other property, provided the company shall not sugage in the business of banking.

Sec. 1. This company shall have power to elect its own officers, select its own Commissioners and Frustees in the different country of Chattanooga, by way of Harrison.

Sec. 3. This company shall have a common se al, and by its corporate name and style shall have power to transact all its business in its corporate name, and the power to chattanooga, by way of Harrison.

Sec. 3. This company shall have a common se al, and by its corporate name, and or extended to any other class of cases, as fully appears by he following sections of the code: By section 2,640, it is pro-ided: "When a slave is charged with a misdemeanor, or

and there to defond said bill, or the same will be taken as confessed as to him, and set for hearing ex parte. A copy of the order.

July 4, 1866. By James B. Evans, D. C. & M.

W. B. Buchanan ve. James Bachanan, et als.

IN THIS CAUSE IT APPEARING that the defendants, James Buchanan, J. D. Dickenson and wife Jane Dickenson, Lillias Moore, Samuel Moore, Robert Nelson and wife Isabel Nelson, Arch. Buckup and wife Margaret Buckup. William Buchanan, are non-residents of the State of Tennessee, as shown in the bill: It is ordered that publication of the siaves for the slaves a personance at court."

From these several provisions of the code, when taken to get the bill: It is ordered that publication of the slaves a personance at court."

From these several provisions of the code, when taken to get the bill: It is ordered that publication of the slaves for the slaves appearance at court."

From these several provisions of the code, when taken to get the slave is a present that all defenses committed by a slave, except such as are expressly excepted by the statute, and such as are expressly excepted by the statute, and such as are expressly except to the slaves of the Shake of the Husse of Representatives:

Thus, Be defendents to appear be defendent to appear before the Chancery of the slaves for the slaves appearance at court."

From these several provisions of the code, when taken to government of railroad companies in this State.

From the size of which the slave is the first personal and proper to a personal except to the slave appropriated, in six per cent. bonds of the State of the slaves appearance at court."

From these several provisions of the code, when taken to government of railroad companies in this State.

From the defendants to the slave as a content than for

judgment to the Circuit Court, which, by section 2,441, he was authorized to do.

But if the case appeared to the Justice to be of such a na-But if the case appeared to the Justice to be of such a nature as to deserve any other or greater punishment than forty stripss, he might commit the slave to jail, or hold him on bail to appear at the Circuit Court to be tried by a jury, who, in the event of his conviction, in their discretion, might inflict such punishment as they deemed adequate to the offense, not, however, extending to life or limb. See sec. 2,623.

The punishment in this class of cases seems to be discretiousry with the tribunal trying the case; and the trial by jury comes in the place of the trial before three Justices and nine fresholders and slaveholders, as provided under the act of 1815, fresholders and slaveholders, as provided under the act of 1815, ch. 138, sec. 1. But without elaborating this case further, we are unable to see that any additional original jurisdiction, in cases of offeness committed in cases of offenses committed by slaves not punishable by death, and not expressly excepted in the statute, is conferred on the Circuit or Criminal Courts, and it therefore follows that in this case the Circuit Court had no jurisdiction of the cause. Slaves as heretofore being recognized by the laws of Tennessee as reasonable and intelligent human beings, even in some sense amenable to the criminal laws, and at the same time being held as property in the owners, it was the policy of the law to inflict punishment on them for crimes committed in the most summary manner, and so at least to effect the owner's interest in the criminal. Hence it was the practice owner's interest in the criminal. Hence it was the practice, and indeed, the law not to confine them in the penitentiary; nor does the code favor such a practice or mode of punishment. Section 2,825 provides: "If three or more slaves counsel, or advise, or conspire to rebel, or make insurrection, or shall plot or conspire to murder any person, every such consulting or conspiracy shall be punished, at the discretion of the court, with death, or with stripes and confinement in the suiting of conspirity shad to pursue, as the electron of the court, with death, or with stripes and confinement in the county jail, according to the extent of the plot, or the participation of the accused therein.

Here for a crime which, in the discretion of the court, may be punished with death, and which, in grade, is next, perhaps, to murder, in a slave, when not punished by death, is by law only punished by stripes and confinement in the county jail.

Much more would the same reason apply in the punishment of Much more would the same reason apply in the punishment of crimes of a lower grade.

In the view we have taken of this case, we do not doesn it necessary to determine whether confinement in the penitectiary is a heavier imposition of punishment than the infliction of stripes. The legal status and social condition of the person upon whom the punishment is imposed, would doubtless constitute an element to be considered in determining the weight and degradation of the punishment inflicted. But certainly a crime committed by a slave, the punishment of which is fixed by law, could not, after his freedom was declared, be punished with any heavier or more degrading punishment. punished with any heavier or more degrading punishment. Such an interpretation of the law would not only be to give it an expost facto operation, but it would be in direct violation of the 45 section of the code. Nor do we feel called upon in this case to give any opinion as to the effect of the amendments to the constitution abolishing slavery in the State upon the law prescribing the punishment of slaves for crimes committed under the laws and constitution while they recognized slavery. That is a matter which addresses itself as much to the Legislature as the courts. Passing by all these questions, and treating all the laws on the subject of crimes committed by slaves as in force, there is enough we show it there is no the state.

### LAWS OF TENNESSEE.

by slaves as in force, there is snough, we think, in this record to impel a reversal of the judgment of the Circuit Court.

The judgment will be reversed, and the prisoner discharged.

MILLIGAN, Judge.

An Act to legalize certain marriages,

Attest: J. G. FRAZER, Clerk.

SECTION 1. Be if enacted by the General Assembly of the Stale of Temessee. That all marriages contracted and entered into dur-ing the late rebellion, and duly solemnized as the law directs, be and the same are hereby declared valid to all intentand pur-poses, and that the issue of said marriages are hereby declared egitimate, and that free persons of color be required to obtain license and have the rites of matrimony selemnized as ow required for white persons.

SEC. 2. Be it further emethod, That it shall be the duty of the officer or minister who has solemnized such marriages to re-turn the certificate of the marriages to the office of the coun-ty Gourt Clerk of the proper county, and for a failure there-of he shall be liable to indictment or presentment for a misde-

Passed May 28, 1866. WM. HEISKELL. Speaker of the House of R. JOSHUA B. FRIERSON.

Relinquishment by the State to all right, claim," &c., to the estate of George Gee, deceased. Wheneas, Geo. Gee, a free man of color, departed this life in the year 1850, in the county of Lincoln, State of Tennessee, directing by his "last will and testament," which is of record in the county of Lincoln, that his property, or the funds arising from the sale of the same, should be equally distributed among his wife and children; and WHEREAS, His wife and children were then held as slaves whereas, His wife and children were then deal as saare, and could not receive property under said devise, and by a decree of B. L. Ridley, Chancellor, sitting at Fayetteville, it was declared that the estate of the said Geo. Gee, or its "cowas declared from state of Tonnessee; and
Coceds, escheated to the state of Tonnessee; and
WHEREAS, The funds and choses in action arising from said tate are in possession of the Clerk and Master of the Chan

ery Court at Fayetteville, and subject to the control of ourt and
Witereas, The wife and children of said George Geo are now NEARAS, The wile and child? need said Georga Geo are now free citizens of the United Structs under the Constitution and laws of the same; therefore, Section 1. Be it enact at by the General Assembly of the State of Tennessee. That the P tate of Tennessee does hereby relinquish all right, title, of the of Tennessee does hereby relinquish all right, title, of the deed, interest in said decree deciaring that the estar a of George Geo, escheated to the State of Tennessee, year at in her and that the Court having including the control of the state of Tennessee, year at in her and that the Court having including the control of the state of Tennessee, year at in her and that the Court having including the control of the state of Tennessee. nessee, vest d in her, and that the Court having jurisdiction be and ", hereby authorised to distribute the funds or assets arising and accruing from the estate of the said George accurate. according to the provisions of the "last will and testa

of said Geo. Gee.

Station 2. Be it further exacted, That the administrators and executors of free persons of color who have heretofore died, leaving children that were slaves and incapable of inheriting their estates, and whose estates have not been paid out, no hereby authorized and required to pay the proceeds of such estate to the children, legates, or devisees, or administrators of said free persons of color, pursuant to the laws now in force regulating the distributing of estates, and that this act shall take effect from and after its passage,

Passed May 25, 1866. WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Il acts amendatory thereto, known as the free banking laws, all acts amendatory thereto, known as the free banking laws, and occasionally working for his mistress under a contract for hire.

The Circuit Judge, among other things not excepted to, in substance, charged the jury: "That if it appeared from the proof that the defendant, at the time of the commission of the alleged offence, was in fact a slave, the court would, novertheless, have jurisdiction to try the case, but that the punishment would be different from that inflicted upon a free man of color. In that event the jury could inflict such punishment as they night deem proper, provided it did not extend to life or limb; and as confinement in the penistutiary was one mode of punishment recognized by our laws, the jury, if they

She. 3. Be if jurther emeted, known as the free banking laws, and the same are hereby repealed.

SECTION 2. Be if further emeted, known as the free banking laws, be and the same are hereby repealed.

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SECTION 2. Be if further emeted, That the Comptroller of the State Treasury shall proceed to place said banks in liquidation, and shall give due notice of the same by publication in one of the newspapers published in each division of the State, to-wit. Nushville, Memphis and Knoxville, and shall give due notice of the same by publication in one of the newspapers published in each division of the State treasury shall proceed to place said banks in liquidation, and shall give due notice of the same by publication in one of the newspapers published in each division of the State treasury shall groceed to place said banks in liquidation, and shall give due notice of the same by publication in one of the newspapers published in each division of the State Treasury shall proceed to place said bank

> bonds shall remain in the hands of the Con day of July, 1867, he shall proceed to sell the same at the high-est market value, taking the New York value at the standard and after advertising for thirty days in three new-papers published in the State, shall proceed to redeem said notes of such banks as may still be outstanding.

Provided, That any bank organized under the law of Febof this act shall place its notes at par with United States Treasury notes, said bank shall be entitled to all the benefits and privileges of said law and amendments, thereto, so long as if faithfully complies with all the requirements of the same, of cept that it shall not have the right to make any new issue or pay out again, after having redeemed any of its outstarding circulation, and any failure to redeem, after that time, shall be considered. be considered a forfeiture of their charter.

SEC. 6. Be it further exacted, That nothing in the provisions of this act shall so operate as to postpone the data of the final

winding up of such banks as have already be en placed in Src. 7. Best further enacted. That the Compression is and banks the entitled to demand and receive from each of said banks the sum of one per cent. upon the amount of the banks disposed of by him in the course of liquidation, as compensation for his services, as well as the cost of advertising required by this from and after its passage. Passed May 25, 1866. WM. HEISKELL, Speaker of the He

An Act to amend the laws of exchant and for other purposes. Temessee, That chapter 6, from section 2,138 to extino 2,146, inclusive, of the Code of Tennessee, relative to excheats, be and the same are hereby so amended as to make it the duty of the District Attorney, in all cases in which he has a good right to believe an eacheat has occurred in his district, to file a hill in the Chancery Court of the county wherein the land so escheated may lie, in the name of the State of Tennessee. so escheated may lie, in the name of the State of Tennessee, and without security to have the same declared escheated.

Szc. 2. Be if further cancied, That besides the State of Tennessee as complainant, said Attorney shall make parties, defendants to said bill, the personal representatives of the deceased, and all other persons who are in procession or in any manner or way claim any interest in or to such property; and if such parties are residents of the State of Tennessee. and if such parties are residents of the State of Tennessee, they shall be served with process, if non-residents, they shall be made parties by publication according to law. Sec. 3. Be it further essected, That in addition to the foregoing named defendants under said bill, there shall be a publication made for thirty days in a newspaper published in the county in which the bill is filed, or it no newspaper be published in the county, then, in the nearest newspaper so published, calling upon unknown heirs of such deceased person, and all persons claiming, under him or her in any manner or way whatever, to enter his her, or being the second person. way whatever, to enter his, her or their appearance, as dendants to said bill or suit, and all persons having an interest n the same way, come into court and defend the same accord ing to the rules of said court. SEC. 4. That the Chancellor shall have power and authority allow the District Attorney a reasonable fee for his ser vices, not extending, However, five per cent, of the cash value of the property declared escheated, and to be paid him out of the funds after sale of the premises. Sec. 5. That the same proceedings shall be instituted against the personal representative and his sureties, after the lapse of two years, for any balance of personal setate in his personal and upon the same terms and conditions as in the foregoing provisions of this act, as well as against any other peach having possession of, or obtaining the same. Sec 6. That all moneys or lands so declared excheated, or elonging to the State shall, if money, be paid to the Treasurer of the State, who shall report the same to the next. Legisature thereafter, or if lands, and the court should not decre a sale of the same, the said District Atterney shall in wroning separt the same to the Comptroller, whose duty it shall be to report the same to the next Legislature thereafter. Sec. 7. That all the parties to said suit shall have the same right to appeal to the Supreme Court, and upon the same terms and conditions as are now allowed by law for appeal of

An Act to encourage railroads and other vehicles of trace Section 1. Be it conceed by the General Joseph of the Notice Tennessee, That T. W. Yardley, Thomas McNeish, William Crutchfield, G. W. Keith, James T. Shelby, John H. James William R. Tracey, Charles E. Lewis, Abram Grows, R. Hoderson, T. J. Carlisle and Baily Butram are, and are harely incorporated a body politic and corporate, and their successors under the corporate name and style of "Gustaraoga and Kentucky Rairond Company."

Sec. 2. The capital stock of this company shall be into millions of dollars divided into thirty thousand shares, of one hundred dollars each, with the privilege of increasis on the capital stock. capital stock to an amount not exceeding ten profiler of

tharge of a capital offence, to punish the accused for the less tharge of a capital offence, without first refering the case to an inferior tribunal, was most clearly the intention of the Legislature. But the same, in such manner as the company may think best, the same not being repugnant to this act or the laws of this regimal jurisdiction of the Circuit and Criminal Courts was Scate.

Sec. 5. Be it inches concept. That the court that the court of the laws of this section of the Circuit and Criminal Courts was State.
Ster. 5. Be it justber exacted, That the corporation shall be

iy appears by 2,640, it is pro-ademeanor, or the before whom the before whom

An Act to repeal the free banking laws of the State of Ten nessee, and for other purposes. SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the act passed Fobruary 12, 1862, entitled an "act to authorize and regulate the business of banking," and

SEC. 3. Be it further enacted, That when any person he iding troller, an amount thereof equal to one or more of the of the State by him held, he shall deliver to the holder of notes, in lien thereof, an amount of said bonds equal to the amount of notes so presented.

Sec. 4. Be it further enected, That if any portion of said

Sec. 5. Be it further enacted, That on the 15th day of Sep-tember, 1867, the Comptroller shall declare the business of said banks closed, and shall pay over to the owners any funds of any one of said banks as may at that time remain in his bands.

JOSHUA B. FRIERSON.

from and after its passage. WM. HEISKELL. Passed May 26, 1866. Speaker of the House of Representatives JOSHUA B. FRIERSON,